



MICHAEL L. ROBINSON

616-752-2128  
FAX 616-222-2128

mrobinson@wnj.com

Received

April 11, 2011

APR 12 2011

Emergency Enforcement  
Services Section

*Via Federal Express*

William Ryczek  
U.S. Environmental Protection Agency  
Enforcement Services Section # 1, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: **Pharmacia's Response to U.S. EPA' Request for Information  
Pursuant to Section 104 of CERCLA for Milwaukee Die Cast at 4132  
North Holton Street, Milwaukee, Wisconsin.**

Dear Mr. Ryczek:

I write on behalf of Pharmacia Corporation in response to the above-referenced request for information and documents (the "Request"). Enclosed with this letter are Pharmacia's objections and responses to the Request and a compact disc containing electronic copies of all non-privileged, non-confidential documents in Pharmacia's possession, custody, or control that were identified during diligent review of Pharmacia's documents as responsive to one or more items in the Request. I am sending under separate cover a compact disc containing electronic copies of responsive documents that contain confidential information. Please contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Michael L. Robinson".

Michael L. Robinson

Enclosures  
cc: Sally Fisk

5395261

**Pharmacia's Response to U.S. EPA's Request for Information Pursuant to Section 104 of CERCLA for Milwaukee Die Cast at 4132 North Holton Street, Milwaukee, Wisconsin.**

**GENERAL OBJECTIONS**

In responding to the Request, Pharmacia has undertaken a diligent and good-faith search for and review of information and documents in its possession, custody, and control. Pharmacia asserts the following general privileges, protections, and objections with respect to the Request.

1. Pharmacia asserts all available privileges and protections, including the attorney-client privilege, the attorney work-product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, the joint defense privilege, and any other privilege or protection available to it under law. Pharmacia is not providing privileged documents. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the Request, Pharmacia asks that any such document be returned to Pharmacia immediately.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the non-CBI documents provided in response to the Request, Pharmacia asks that any such documents be returned to Pharmacia immediately upon request of Pharmacia so that Pharmacia may resubmit the document in accordance with the applicable requirements for the submission of CBI or trade secrets.
3. Pharmacia objects to Instruction 3 to the extent it seeks to require Pharmacia to seek out responsive information from former employees/agents. Pharmacia is providing information within its possession, custody, and control.
4. Pharmacia objects to Instruction 5. Pharmacia is responding to this Request with information within its possession, custody, and control, and Pharmacia will similarly comply with any lawful future requests that are within EPA's authority. Pharmacia reserves the right to voluntarily supplement its responses at any time should additional information become available.
5. Pharmacia objects to the Request's definition of "documents." Pharmacia disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by Pharmacia] to exist" but not in Pharmacia's possession, custody, or control. Further, Pharmacia objects to the definition of "documents" as overly broad and unduly burdensome.

## OBJECTIONS AND RESPONSES

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

### RESPONSE

Pharmacia objects to this request as unduly burdensome and unreasonable. Many people were consulted in the preparation of these responses, but only a small number were consulted in a material capacity. The following persons were consulted in the preparation of these Responses:

Michael L. Robinson  
Warner Norcross & Judd LLP  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, MI 49503-2487  
Telephone: (616) 752-2128  
E-mail: [mrobinson@wnj.com](mailto:mrobinson@wnj.com)  
(general aspects of response)

Scott M. Watson  
Warner Norcross & Judd LLP  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, MI 49503-2487  
Telephone: (616) 752-2465  
E-mail: [swatson@wnj.com](mailto:swatson@wnj.com)  
(general aspects of response)

Sally Fisk  
Senior Corporate Counsel  
Pfizer Inc.  
(MS 235/25/1)  
235 East 42<sup>nd</sup> Street  
New York, NY 10017-5755  
Telephone: (212) 733-0062  
E-mail: [sally.fisk@pfizer.com](mailto:sally.fisk@pfizer.com)  
(general aspects of response)



Russell Downey  
Director, Global Engineering  
Pfizer Inc.  
(MS 6/611)  
100 Route 206 North  
Peapack, NJ 07977  
Telephone: (908) 901-6079  
E-mail: [russell.g.downey@pfizer.com](mailto:russell.g.downey@pfizer.com)  
(Request No. 8 response)

Benjamin Verburg  
ARCADIS U.S., Inc.  
126 North Jefferson Street, Suite 400  
Milwaukee, WI 53202  
Telephone: (414) 276-7742  
E-mail: [Ben.Verburg@arcadis-us.com](mailto:Ben.Verburg@arcadis-us.com)  
(Request No. 8 response)

Mary Ann Bisiorowski  
Risk Analyst, Corporate Insurance Group  
Pfizer Inc.  
235 East 42<sup>nd</sup> Street  
New York, NY 10017-5755  
(Request No. 4 response)

Gareth J. Port  
Senior Paralegal, Environment, Health, and Safety  
Legal Division  
(MS 235/25/01)  
235 East 42<sup>nd</sup> Street  
New York, NY 10017-5755  
Telephone: (212) 733-2814  
E-mail: [gareth.port@pfizer.com](mailto:gareth.port@pfizer.com)  
(general document retrieval)

2. **Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.**

## **RESPONSE**

Pharmacia objects to this request as unduly burdensome and unreasonable. Numerous documents were consulted in the preparation of this Response. Most of those documents were non-responsive, privileged, or both. Pharmacia is providing non-privileged documents that are responsive to the Request. Copies of those documents are on the compact disc enclosed with this Response.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

**RESPONSE**

The following persons may be able to provide information:

Gregory J. Slyman  
Exemption 6  
Medina, OH 44256

George Slyman  
Exemption 6  
Medina, OH 44256

Slyman Industries  
(no known address)

David E. Nash  
McMahan DeGulis LLP  
812 Huron Road, Suite 650  
Cleveland, OH 44115  
(attorney for Slymans)

Fisher Controls International, LLC  
Mr. Terry Buzbee  
President  
205 South Center Street  
Marshalltown, IA 50158

Emerson Electric Co.  
8100 West Florissant Avenue  
St. Louis, MO 63136  
(314) 553-2000

The authors of the documents provided in response to Request No. 8 below. The identity of those authors is indicated in those documents, to the extent stated therein.

Pamela Mylotta  
Hydrogeologist  
Telephone: (414) 263-8758  
E-mail: [Pamela.mylotta@wisconsin.gov](mailto:Pamela.mylotta@wisconsin.gov)

James Schmidt  
Hydrogeology Supervisor  
Telephone: 414-263-8561  
E-mail: [jamesa.schmidt@wisconsin.gov](mailto:jamesa.schmidt@wisconsin.gov)

Stephen D. Mueller  
Hydrogeologist  
Telephone: (414) 263-8631  
E-mail: [stephend.mueller@wisconsin.gov](mailto:stephend.mueller@wisconsin.gov)

Wisconsin Department of Natural Resources  
DNR Southeast Region Headquarters  
2300 N Dr Martin Luther King Junior Drive  
Milwaukee, WI 53212

Frederick Schroeder Estate  
c/o Philip J. Halley (attorney for the estate)  
Whyte Hirschboeck Dudek SC  
555 East Wells Street, Suite 1900  
Milwaukee, WI 53202-3819  
Telephone: (414) 978-5426  
E-mail: [phalley@whdlaw.com](mailto:phalley@whdlaw.com)  
(Mr. Schroeder was the president of  
Milwaukee Die Casting Co. prior to 1975. He  
died in March 2008.)

Other members of the Frederick Schroeder  
family who were involved with Milwaukee  
Die Casting Co. (identity not known)

Former employees of Milwaukee Die Casting Co.  
and other "MDCC" entities that owned the Site.  
(see litigation documents submitted in response  
to Request No. 6).

4. Provide a list of all property and casualty insurance (e.g., comprehensive general liability, environmental impairment, etc.) and specify the insurer, policy, effective dates, and per occurrence policy limits for each policy. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

#### RESPONSE

Pharmacia objects to this request as vague and unduly broad and burdensome. Copies of available insurance policies are included on the compact disc enclosed with this Response. The copies provided are the only copies found during the search to respond to this Request. Additional insurance information available is as follows:

[illegible]



Exemption 4	Exemption 4
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Lexington Insurance Company	GC403113 Cover Note SD5086
Lexington Insurance Company	GC403236 Cover Note SD6053
Lexington Insurance Company	GC402556
Lexington Insurance Company	GC403983
Lexington Insurance Company	CE5503343
Lexington Insurance Company	GC5501415 Cover Note SD1047
Lexington Insurance Company	CE5505649
Lexington Insurance Company	GC5505568
Lexington Insurance Company	5510303
Lexington Insurance Company	5510304
Lexington Insurance Company	5510586
Lexington Insurance Company	5513782
Lexington Insurance Company	5513880
Lexington Insurance Company	5514312
Lexington Insurance Company	5520698
Lexington Insurance Company	5522588
MonSure, Ltd.	78MSL2000



MonSure, Ltd.	78MSL2001
MonSure, Ltd.	78MSL2002
MonSure, Ltd.	78MSL2003
MonSure, Ltd.	79MSL2007
MonSure, Ltd.	79MSL2008
MonSure, Ltd.	79MSL2009
MonSure, Ltd.	79MSL2010
MonSure, Ltd.	79MSL2011
MonSure, Ltd.	79MSL2012
MonSure, Ltd.	79MSL2013
MonSure, Ltd.	79MSL2014
MonSure, Ltd.	80MSL2007
MonSure, Ltd.	80MSL2009
MonSure, Ltd.	80MSL2010
MonSure, Ltd.	80MSL2012
MonSure, Ltd.	80MSL2021
MonSure, Ltd.	81MSL2007
MonSure, Ltd.	81MSL2009
MonSure, Ltd.	81MSL2010
MonSure, Ltd.	81MSL2012
MonSure, Ltd.	81MSL2021
MonSure, Ltd.	81MSL2022
MonSure, Ltd.	82MSL2009
MonSure, Ltd.	82MSL2010
MonSure, Ltd.	82MSL2012
MonSure, Ltd.	82MSL2021
MonSure, Ltd.	82MSL2022
MonSure, Ltd.	82MSL2023
MonSure, Ltd.	78MSL2000
MonSure, Ltd.	78MSL2001
MonSure, Ltd.	78MSL2002
MonSure, Ltd.	78MSL2003
MonSure, Ltd.	79MSL2007
MonSure, Ltd.	79MSL2008
MonSure, Ltd.	79MSL2009
MonSure, Ltd.	79MSL2010
MonSure, Ltd.	79MSL2011
MonSure, Ltd.	79MSL2012
MonSure, Ltd.	79MSL2013
MonSure, Ltd.	79MSL2014
MonSure, Ltd.	80MSL2007

MonSure, Ltd.	80MSL2009
MonSure, Ltd.	80MSL2010
MonSure, Ltd.	80MSL2012
MonSure, Ltd.	80MSL2021
MonSure, Ltd.	81MSL2007
MonSure, Ltd.	81MSL2009
MonSure, Ltd.	81MSL2010
MonSure, Ltd.	81MSL2012
MonSure, Ltd.	81MSL2021
MonSure, Ltd.	81MSL2022
MonSure, Ltd.	82MSL2009
MonSure, Ltd.	82MSL2010
MonSure, Ltd.	82MSL2012
MonSure, Ltd.	82MSL2021
MonSure, Ltd.	82MSL2022
MonSure, Ltd.	82MSL2023
North Star Reinsurance Corp.	NSX11727
North Star Reinsurance Corp.	NSX13889 Cover Note SD1027
North Star Reinsurance Corp.	NSX15327
American Home Assurance Company	CE2692052 Cover Note SD5087
American Home Assurance Company	CE3380986
American Home Assurance Company	SD9036
American Home Assurance Company	CE3380733 Cover Note SD1030
American Home Assurance Company	CE3380722 Cover Note SD1048
Birmingham Fire Insurance Company of Pennsylvania	SE6073353
Birmingham Fire Insurance Company of Pennsylvania	SE6073500
Birmingham Fire Insurance Company of Pennsylvania	SE6073610
Birmingham Fire Insurance Company of Pennsylvania	SE6073611
California Union Insurance Company	ZCX003219
California Union Insurance Company	ZCX003565
California Union Insurance Company	ZCX004038
California Union Insurance Company	ZCX006190
California Union Insurance Company	ZCX006191
California Union Insurance Company	ZCX004438
California Union Insurance Company	ZCX004439
Columbia Casualty Company	RDX1864000 Cover Note SD1026
Federal Insurance Company	79220330 Cover Note SD1050
Federal Insurance Company	(78)79220330
Federal Insurance Company	(79)79220330
Federal Insurance Company	79228042
Federal Insurance Company	79228043



Fireman's Fund Insurance Company	XLX1204544
Fireman's Fund Insurance Company	XLX1203152 Cover Note SD1025
Fireman's Fund Insurance Company	XLX1203184
Fireman's Fund Insurance Company	XLX1363821
Fireman's Fund Insurance Company	XLX1362287
Hartford Accident and Indemnity Company	08XS100202 Cover Note SD1029
Hartford Accident and Indemnity Company	08XS100279
Hartford Accident and Indemnity Company	08XS100383
Hartford Accident and Indemnity Company	08XS102667
Home Insurance Company	HEC4165765 Cover Note SD5088
Home Insurance Company	HEC9006835 Cover Note SD1049
Home Insurance Company	HEC9006873
Home Insurance Company	HEC9329206
Home Insurance Company	HEC9329287
Home Insurance Company	HEC9329356
Home Insurance Company	HEC9903130
Insurance Company of North America	XCP14324
Insurance Company of North America	ISG1107
Insurance Company of North America	524120296NE1
Insurance Company of North America	XCP143434
Insurance Company of North America	XCP143756
Insurance Company of North America	XCP144037
Insurance Company of North America	XCP144573
Insurance Company of the State of Pennsylvania	41725264 Cover Note SD5085
Insurance Company of the State of Pennsylvania	41766818 Cover Note SD1031
Insurance Company of the State of Pennsylvania	41777688
Lexington Insurance Company	GC403113 Cover Note SD5086
Lexington Insurance Company	GC403236 Cover Note SD6053
Lexington Insurance Company	GC402556
Lexington Insurance Company	GC403983
Lexington Insurance Company	CE5503343
Lexington Insurance Company	GC5501415 Cover Note SD1047
Lexington Insurance Company	CE5505649
Lexington Insurance Company	GC5505568
Lexington Insurance Company	5510303
Lexington Insurance Company	5510304
Lexington Insurance Company	5510586
Lexington Insurance Company	5513782
Lexington Insurance Company	5513880
Lexington Insurance Company	5514312
Lexington Insurance Company	5520698

[illegible]



[illegible]

MonSure, Ltd.	79MSL2009
MonSure, Ltd.	79MSL2010
MonSure, Ltd.	79MSL2011
MonSure, Ltd.	79MSL2012
MonSure, Ltd.	79MSL2013
MonSure, Ltd.	79MSL2014
MonSure, Ltd.	80MSL2007
MonSure, Ltd.	80MSL2009
MonSure, Ltd.	80MSL2010
MonSure, Ltd.	80MSL2012
MonSure, Ltd.	80MSL2021
MonSure, Ltd.	81MSL2007
MonSure, Ltd.	81MSL2009
MonSure, Ltd.	81MSL2010
MonSure, Ltd.	81MSL2012
MonSure, Ltd.	81MSL2021
MonSure, Ltd.	81MSL2022
MonSure, Ltd.	82MSL2009
MonSure, Ltd.	82MSL2010
MonSure, Ltd.	82MSL2012
MonSure, Ltd.	82MSL2021
MonSure, Ltd.	82MSL2022
MonSure, Ltd.	82MSL2023
North Star Reinsurance Corp.	NSX11727
North Star Reinsurance Corp.	NSX13889 Cover Note SD1027
North Star Reinsurance Corp.	NSX15327
Northwestern National Insurance Company of Milwaukee, Wisconsin	SD6058
Northwestern National Insurance Company of Milwaukee, Wisconsin	XL401873 Cover Note SD7090
Northwestern National Insurance Company of Milwaukee, Wisconsin	XL403537 Cover Note SD1028
Fireman's Fund Insurance Company	XLX1204544
Fireman's Fund Insurance Company	XLX1203152 Cover Note SD1025
Fireman's Fund Insurance Company	XLX1203184
Fireman's Fund Insurance Company	XLX1363821
Fireman's Fund Insurance Company	XLX1362287
Riunione Adriatica Di Sicurta' (Adriatic Insurance Company)	EL1974
Riunione Adriatica Di Sicurta' (Adriatic Insurance Company)	EL2634
Midland Insurance Company	XL2382 Cover Note SD6072
Midland Insurance Company	XL1110170247734
Midland Insurance Company	XL145424
Midland Insurance Company	XL145448
Midland Insurance Company	XL151527 Cover Note SD1024



Midland Insurance Company	XL148129
Midland Insurance Company	XL148130
Midland Insurance Company	XL147603
Midland Insurance Company	XL147604
Midland Insurance Company	XL706607
Midland Insurance Company	XL725185
Manhattan Fire and Marine Insurance Company a/k/a Puritan Insurance Company	ML650324
Manhattan Fire and Marine Insurance Company a/k/a Puritan Insurance Company	ML650397
Manhattan Fire and Marine Insurance Company a/k/a Puritan Insurance Company	ML651589
Puritan Insurance Company	ML652287
Hudson Insurance Company	HC00207
American Excess Insurance Company	EUL5077343
American Excess Insurance Company	EUL5082840
American Excess Insurance Company	EUL5092146
Northwestern National Insurance Company of Milwaukee, Wisconsin	SD6058
Northwestern National Insurance Company of Milwaukee, Wisconsin	XLP401873 Cover Note SD7090
Northwestern National Insurance Company of Milwaukee, Wisconsin	XLP403537 Cover Note SD1028
Employers Mutual Casualty Company	MMO70066
Employers Mutual Casualty Company	MMO70684
Employers Mutual Casualty Company	MMO71335
Employers Mutual Casualty Company	MMO71748
Unigard Mutual Insurance Co.	11487
Columbia Casualty Company	RDX1864000 Cover Note SD1026
Continental Insurance Company	SRX1591656
Harbor Insurance Company	HI164065
London Guarantee and Accident Company of New York	LX3278982
First State Insurance Company	920412
First State Insurance Company	920602 Cover Note SD6055
First State Insurance Company	920603 Cover Note SD6073
First State Insurance Company	921901
First State Insurance Company	932340
First State Insurance Company	931200
First State Insurance Company	931201
Hartford Accident and Indemnity Company	08XS100202 Cover Note SD1029
Hartford Accident and Indemnity Company	08XS100279
Hartford Accident and Indemnity Company	08XS100383
Hartford Accident and Indemnity Company	08XS102667
Twin City Fire Insurance Company	TXS101311
Old Republic Insurance Company	OZX11641
American Home Assurance Company	CE2692052 Cover Note SD5087
American Home Assurance Company	CE3380986

American Home Assurance Company	SD9036
American Home Assurance Company	CE3380733 Cover Note SD1030
American Home Assurance Company	CE3380722 Cover Note SD1048
American International Underwriters Insurance Company	75102604
American International Underwriters Insurance Company	75102701
American International Underwriters Insurance Company	75103214
Birmingham Fire Insurance Company of Pennsylvania	SE6073353
Birmingham Fire Insurance Company of Pennsylvania	SE6073500
Birmingham Fire Insurance Company of Pennsylvania	SE6073610
Birmingham Fire Insurance Company of Pennsylvania	SE6073611
Granite State Insurance Company	61780227
Granite State Insurance Company	61812964
Granite State Insurance Company	61823557
Lexington Insurance Company	GC403113 Cover Note SD5086
Lexington Insurance Company	GC403236 Cover Note SD6053
Lexington Insurance Company	GC402556
Lexington Insurance Company	GC403983
Lexington Insurance Company	CE5503343
Lexington Insurance Company	GC5501415 Cover Note SD1047
Lexington Insurance Company	CE5505649
Lexington Insurance Company	GC5505568
Lexington Insurance Company	5510303
Lexington Insurance Company	5510304
Lexington Insurance Company	5510586
Lexington Insurance Company	5513782
Lexington Insurance Company	5513880
Lexington Insurance Company	5514312
Lexington Insurance Company	5520698
Lexington Insurance Company	5522588
National Union Fire Insurance Company of Pittsburgh, Pa.	1168336
National Union Fire Insurance Company of Pittsburgh, Pa.	1189529
National Union Fire Insurance Company of Pittsburgh, Pa.	1232247
National Union Fire Insurance Company of Pittsburgh, Pa.	1232248
National Union Fire Insurance Company of Pittsburgh, Pa.	1232081
National Union Fire Insurance Company of Pittsburgh, Pa.	1232082
National Union Fire Insurance Company of Pittsburgh, Pa.	1232173
National Union Fire Insurance Company of Pittsburgh, Pa.	9600273
National Union Fire Insurance Company of Pittsburgh, Pa.	9600297
Liberty Mutual Insurance Company	LG1641004287667
Zurich Insurance Co.	IRDSR4083
Home Insurance Company	HEC4165765 Cover Note SD5088



Home Insurance Company	HEC9006835 Cover Note SD1049
Home Insurance Company	HEC9006873
Home Insurance Company	HEC9329206
Home Insurance Company	HEC9329287
Home Insurance Company	HEC9329356
Home Insurance Company	HEC9903130
California Union Insurance Company	ZCX003219
California Union Insurance Company	ZCX003565
California Union Insurance Company	ZCX004038
California Union Insurance Company	ZCX006190
California Union Insurance Company	ZCX006191
California Union Insurance Company	ZCX004438
California Union Insurance Company	ZCX004439
Insurance Company of North America	XCP14324
Insurance Company of North America	ISG1107
Insurance Company of North America	524120296NE1
Insurance Company of North America	XCP143434
Insurance Company of North America	XCP143756
Insurance Company of North America	XCP144037
Insurance Company of North America	XCP144573
International Insurance Company	5220111636
International Insurance Company	5220113427
Pacific Employers Insurance Company	XCC003325
Pacific Employers Insurance Company	XCC011196
Pacific Employers Insurance Company	XCC012790
United States Fire Insurance Company	5200221789
United States Fire Insurance Company	5220000657
United States Fire Insurance Company	5220070245
United States Fire Insurance Company	522028438
United States Fire Insurance Company	522010511
Atlanta International Insurance Company	XL05199
Commercial Union Insurance Company	CY9502009
Commercial Union Insurance Company	CY9502143
American Manufacturers Mutual Insurance Company	3SG002001
American Centennial Insurance Company	CC000047
American Centennial Insurance Company	CC002366
American Centennial Insurance Company	CC002371
Northbrook Excess and Surplus Insurance Company	63006609
Northbrook Excess and Surplus Insurance Company	63007890
Northbrook Excess and Surplus Insurance Company	63007916
Northbrook Insurance Company	63004352

Northbrook Insurance Company	63005599
American Home Assurance Company	CE2692052 Cover Note SD5087
American Home Assurance Company	CE3380986
American Home Assurance Company	SD9036
American Home Assurance Company	CE3380733 Cover Note SD1030
American Home Assurance Company	CE3380722 Cover Note SD1048
American International Underwriters Insurance Company	75102604
American International Underwriters Insurance Company	75102701
American International Underwriters Insurance Company	75103214
Birmingham Fire Insurance Company of Pennsylvania	SE6073353
Birmingham Fire Insurance Company of Pennsylvania	SE6073500
Birmingham Fire Insurance Company of Pennsylvania	SE6073610
Birmingham Fire Insurance Company of Pennsylvania	SE6073611
Granite State Insurance Company	61780227
Granite State Insurance Company	61812964
Granite State Insurance Company	61823557
Insurance Company of the State of Pennsylvania	41725264 Cover Note SD5085
Insurance Company of the State of Pennsylvania	41766818 Cover Note SD1031
Insurance Company of the State of Pennsylvania	41777688
Lexington Insurance Company	GC403113 Cover Note SD5086
Lexington Insurance Company	GC403236 Cover Note SD6053
Lexington Insurance Company	GC402556
Lexington Insurance Company	GC403983
Lexington Insurance Company	CE5503343
Lexington Insurance Company	GC5501415 Cover Note SD1047
Lexington Insurance Company	CE5505649
Lexington Insurance Company	GC5505568
Lexington Insurance Company	5510303
Lexington Insurance Company	5510304
Lexington Insurance Company	5510586
Lexington Insurance Company	5513782
Lexington Insurance Company	5513880
Lexington Insurance Company	5514312
Lexington Insurance Company	5520698
Lexington Insurance Company	5522588
National Union Fire Insurance Company of Pittsburgh, Pa.	1168336
National Union Fire Insurance Company of Pittsburgh, Pa.	1189529
National Union Fire Insurance Company of Pittsburgh, Pa.	1232247
National Union Fire Insurance Company of Pittsburgh, Pa.	1232248
National Union Fire Insurance Company of Pittsburgh, Pa.	1232081
National Union Fire Insurance Company of Pittsburgh, Pa.	1232082



National Union Fire Insurance Company of Pittsburgh, Pa.	1232173
National Union Fire Insurance Company of Pittsburgh, Pa.	9600273
National Union Fire Insurance Company of Pittsburgh, Pa.	9600297
Federal Insurance Company	79220330 Cover Note SD1050
Federal Insurance Company	(78)79220330
Federal Insurance Company	(79)79220330
Federal Insurance Company	79228042
Federal Insurance Company	79228043
Aetna Casualty and Surety Company	06XN57WCA
Aetna Casualty and Surety Company	06XN82WCA
Aetna Casualty and Surety Company	06XN83WCA
Aetna Casualty and Surety Company	06XN120WCA
Aetna Casualty and Surety Company	06XN147WCA
Travelers Indemnity Co.	TRNSL95120274
Travelers Indemnity Co.	650445A9305
Travelers Indemnity Co.	TRNSL95120274
Travelers Indemnity Co.	NSL112T4081
Travelers Indemnity Co.	NSL112T4093
Travelers Indemnity Co.	SLG122T3895
Travelers Indemnity Co.	650100B0873
Travelers Indemnity Co.	TEX144T994A77
Travelers Indemnity Co.	TRNSL144T924477
Travelers Indemnity Co.	TRNSL112T408177
Insurance Company of the State of Pennsylvania	41725264 Cover Note SD5085
Insurance Company of the State of Pennsylvania	41766818 Cover Note SD1031
Insurance Company of the State of Pennsylvania	41777688
Unknown	K17660; 342 / 355375
Birmingham Fire Insurance Company of Pennsylvania	SE6074257
Birmingham Fire Insurance Company of Pennsylvania	SE6074484
California Union Insurance Company	ZCX006508
California Union Insurance Company	ZCX006509
California Union Insurance Company	ZCX007896
California Union Insurance Company	ZCX007095
California Union Insurance Company	ZCX007868
California Union Insurance Company	ZCX007869
California Union Insurance Company	ZCX007914
California Union Insurance Company	ZCX007975
Cigna Insurance Co.	XLP G0902686-1
Insurance Company of North America	G06637620
Insurance Company of North America	XCP14324
Insurance Company of North America	XCP145307

Insurance Company of North America	XCP156152
Insurance Company of North America	XCP663144
[REDACTED]	[REDACTED]
[REDACTED]	Exemption 4
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Northwestern National Insurance Co.	SD5034
Northwestern National Insurance Co	SD4075
Transamerica Premier Insurance Co.	USE1339-7756
Price Forbes Ltd.	UTA0135
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Appalachian Insurance Company of Providence	XL 70330
Appalachian Insurance Company of Providence	XL 70329

5. Provide a copy of all relevant agreements and documents to support your claim that Pharmacia is not a potentially liable responsible party (PRP) under CERCLA at this Site. Include all corporate agreements involving the transfer of corporate ownership from one entity to another.

## **RESPONSE**

Pharmacia objects to this request to the extent it calls for legal conclusions. Pharmacia reserves all rights to make any available legal arguments, and by this response makes no admission of fact or law with regard to its status as a PRP under CERCLA at the Site. Pharmacia also objects to this request as overly broad and unduly burdensome to the extent that it asks for "all corporate agreements." Pharmacia is providing all non-privileged, responsive documents in its possession, custody, and control.



Copies of corporate agreements are included on either the enclosed compact disc or the compact disc containing CBI documents. In addition, copies of the following judicial decisions are included on the enclosed compact disc for your review:

- a. *United States v. Bestfoods*, 524 U.S. 51 (1998).
- b. *City of Waukegan v. Nat'l Gypsum Co.*, 587 F. Supp. 2d 997 (N.D. Ill. 2008).
- c. *ITT Indus. v. BorgWarner, Inc.*, No. 1:05-CV-674, 2009 U.S. Dist. LEXIS 62792 (July 22, 2009).
- d. *Joslyn Mfg. Co. v. T.L. James & Co.*, 893 F.2d 80 (5th Cir. 1990).
- e. *Robertshaw Controls Co. v. Watts Regulator Co.*, 807 F. Supp. 144 (D. Maine 1992).
- f. *In re Acushnet River & New Bedford Harbor*, 712 F. Supp. 1010 (D. Mass. 1989).
- g. *John S. Boyd, Inc. v. Boston Gas Co.*, 992 F.2d 401 (1st Cir. 1993).
- h. *Atlantic Richfield Co. v. Blosenski*, 847 F. Supp. 1261 (E.D. Pa. 1994).
- i. *Anspec Co. v. Johnson Controls, Inc.*, 922 F.2d 1240, 1247 (6th Cir. 1991).
- j. *Sidney S. Arst Co. v. Pipefitters Welfare Educ. Fund*, 25 F.3d 417 (7th Cir. 1994).

From those cases, it is clear that a parent corporation is generally not liable under CERCLA for the actions of a subsidiary corporation at properties owned by the subsidiary. A parent corporation is liable only if it directly and actively engages in certain conduct that, as described by the U.S. Supreme Court in *Bestfoods*, makes the parent a CERCLA "operator." Pharmacia engaged in no such conduct at the Site. Any contamination at the Site was caused by a third party (i.e., Milwaukee Die Casting Company) with whom Pharmacia had no contractual relationship.

6. State the dates during which you owned, operated, or leased the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.). Please include all documents related to the litigation captioned *Milwaukee Die Casting Co., et al. v. Fisher Controls International, Inc.*, Case No. 93-C-0325.

#### **RESPONSE**

Pharmacia objects to this request to the extent it calls for legal conclusions. Pharmacia reserves all rights to make any available legal arguments, and by this response makes no admission of fact or law with respect to its status as a PRP under CERCLA at the Site.

Documents responsive to this request are included on the enclosed compact disc. At no time did Pharmacia own, operate, or lease the Site. None of the documents indicates that Pharmacia ever owned, operated, or leased the Site. No decision was ever reached in *Milwaukee Die Casting Co., et al. v. Fisher Controls International, Inc.*, Case No. 93-C-0325, finding that Pharmacia Corporation was ever an owner, operator, or lessee of the Site. The case was settled and dismissed with prejudice after a Decision and Order Granting Summary Judgment in Part was issued. Monsanto was initially named as a defendant but was dismissed with prejudice and without any finding of status or liability regarding Monsanto. The case predated the U.S. Supreme Court's decision in *Bestfoods*.

7. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

#### **RESPONSE**

Based on the information reviewed, Pharmacia Corporation did not engage in activities or business at the Site with respect to purchasing, receiving, storing, treating, or disposing of hazardous substance or materials at the Site. Pharmacia Corporation, in connection with the Settlement Agreement (a copy of which is included on the enclosed compact disc) in Case No. 93-C-0325, funded a portion of the costs of certain response activities at the Site with respect to hazardous substances and materials. Pharmacia Corporation, independent of that Settlement Agreement, funded and had performed certain additional response activities at the Site with respect to hazardous substances and materials at the Site. See the documents submitted in response to Request No. 8 for information describing those response activities.

8. Provide copies of all reports, information, or data related to contamination at the Site, including but not limited to on-site structures, soil, water (ground and surface), air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

#### **RESPONSE**

Copies of these documents were provided in Pharmacia's March 24, 2011, response. Any additional documents discovered during Pharmacia's search to respond to the Request are included on the enclosed compact disc.

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